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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,969	11/14/2001	Paul A. Siudzinski	7709-C	9013

7590 02/08/2005

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/993,969

Applicant(s)

SIUDZINSKI ET AL.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 and 43 is/are allowed.
- 6) ☒ Claim(s) 36-39 is/are rejected.
- 7) ☒ Claim(s) 40-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

1. Claim 36 is objected to because of the following informalities: line 4 "said jamb members" is confusing. Should it be "said jamb extrusions"? Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagemeyer et al in view of Lynn et al and McKann (5682715).

Hagemeyer et al (figures 8, 10) shows a patio door assembly comprising a rectangular main frame of rigid material (32, 33, 31), a pair of vertical jambs (figure 4, the part between the hinge 35 and part 34) rigidly connected by a top head (31) and a bottom sill member, a vertical astragal member (62) of rigid material and spaced between the jamb members and rigidly connected to the head and sill members, a first door panel within the main frame, a swinging second door panel (28, figure 8) within the main frame, the first and second door panels each including a rectangular door panel frame of rigid material and supporting a glass panel, each of the rectangular door panel frames including a peripherally extending elongated door frame member each having a substantially rectangular cross configuration, each said door frame member having longitudinally extending and parallel spaced outer side walls, each of the door

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frame member including a laterally inwardly projecting integral flange and a removable glazing bead extrusion (figure 5, the parts containing the glass) spaced from the flange and receiving the corresponding said glass panel therebetween, a door latch (figure 1, 3) mechanism disposed through the side walls, a hinge having an inactive leaf (the one attached to part 62, figure 10) secured by threaded fasteners to the astragal member, the hinge having an active leaf (the one attached to the door panel, figure 10) secured by threaded fasteners threaded into the door panel of an adjacent said frame member of the second door panel.

Hagemeyer et al does not show the main frame, the vertical jamb, the top head member, the bottom sill, the door panel frames and the astragal being formed of plastic extrusions, corners of each rectangular door panel frame being welded, the outer side walls being spaced by inner walls integrally connected by longitudinally extending transverse walls defining a lateral width for the frame member substantially greater than the thickness defined by the outer side walls, the door latch disposed between the inner walls of the door panel frame of the second door panel.

Lynn et al (figure 3) shows door panel frames being made of plastic extrusions, the corners of each rectangular door panel frame being welded (col 5 lines 41-51), the door panel frames having the outer side walls being spaced by inner walls integrally connected by longitudinally extending transverse walls defining a lateral width for the frame member substantially greater than the thickness defined by the outer side walls.

McKann et al discloses an astragal made of extruded plastic material (col 2 lines 58-67), main frames including a top head member, the bottom sill, the vertical jambs made of extruded plastic material (col 2 line 53 to McKann).

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hagemeyer et al's structure to show the main frame, the vertical jamb, the top head member, the bottom sill, and the astragal being formed of plastic extrusions as taught by McKann et al, the door panel frames and corners of each rectangular door panel frame being welded, the outer side walls being spaced by inner walls integrally connected by longitudinally extending transverse walls defining a lateral width for the frame member substantially greater than the thickness defined by the outer side walls as taught by Lynn et al because having the main frame members, the astragal and the door panel frames made of extruded plastics would provide an aesthetic door which is light weight and rot resistance; having the corners of the door frames welded would ensure the secure bonding of the members of the door frame together as taught by Lynn et al.

Hagemeyer et al as modified shows the outer side walls being spaced by inner walls integrally connected by longitudinally extending transverse walls defining a lateral width for the frame member substantially greater than the thickness defined by the outer side walls.

3. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagemeyer et al in view of Lynn et al and McKann (5682715) as applied to claim 36 above and further in view of Banford.

Hagemeyer et al as modified shows all the claimed limitations including the hinge extending from the head member to the sill member (inherently so as the hinge extends toward the members since the hinge is located between the members) except for the hinge having the inactive leaf being longer than the active leaf of the hinge.

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Banford shows a hinge (figure 3) having the inactive leaf (16) being longer than the active leaf (15), the active leaf connecting a swinging door (13).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hagemeyer et al's modified structure to show the hinge having the inactive leaf being longer than the active leaf of the hinge as taught by Banford because having the inactive leaf being longer would provide a strong attachment of the door frame to the main supporting frame, and having the active leaf being shorter would enable easy mounting and swinging of the door.

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagemeyer et al in view of Lynn et al and McKann (5682715) as applied to claim 36 above and further in view of Baer (5778491)

Hagemeyer et al as modified shows all the claimed limitations except for the hinge being a continuous gear hinge.

Baer shows a hinge being a continuous gear hinge enabling the opening and closing of door.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hagemeyer et al's modified structure to show the hinge being a continuous gear hinge because it would enable the hinge to have better load resistance to the forces imposed upon it in both the lateral and longitudinal directions and hence improving the performance of the hinge as taught by Baer (col 3 lines 35-40).

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5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagemeyer et al in view of Lynn et al and McKann (5682715) as applied to claim 36 above and further in view of Novak et al (5651223) and Dallaire (5887387)

Hagemeyer et al as modified shows all the claimed limitations including the astragal extrusion having parallel spaced opposite vertical side walls integrally connected by interior and exterior vertical end walls, vertical stop portions (60 and its attaching locations) integral with the side walls and projecting laterally outwardly from the side walls adjacent the frames of the door panels except for a plurality of vertical internal walls integrally connecting the side walls, the internal walls spaced inwardly adjacent the interior and exterior end walls of the astragal extrusion and having longitudinally extending vertical portions defining holes receiving vertical threaded fasteners extending through the head and sill extrusions.

Novak et al shows an astragal extrusion including a plurality of vertical internal walls integrally connecting the side walls, the internal walls spaced inwardly adjacent the interior and exterior end walls of the astragal extrusion.

Dallaire shows a door having the sill and head extrusions with holes receiving threaded fasteners extending through the extrusions to fasten the extrusion in place.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hagemeyer et al's modified structure to show a plurality of vertical internal walls integrally connecting the side walls, the internal walls spaced inwardly adjacent the interior and exterior end walls of the astragal extrusion as taught by Novak et al and having longitudinally extending vertical portions defining holes receiving vertical threaded fasteners extending through the head and sill extrusions as taught by Dallaire because having internal

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walls spaced inwardly of the interior and exterior end walls of the astragal extrusion would provide for a strong and light weight astragal extrusion and having the threaded fasteners extending through the head and sill extrusions into holes in the longitudinally extending vertical portions holes would enable the fastening of the astragal extrusion to the sill and header extrusion and allow the astragal to stably support weights.

***Allowable Subject Matter***

6. Claims 34, 43 are allowed.
7. Claims 40-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

The following is a statement of reasons for the indication of allowable subject matter:

Per claim 40, prior art does not show the approach extrusion including an integral inner portion defining an inwardly facing groove, an elongated horizontal seal extending within the groove within the approach extrusion and having an inwardly projecting flexible portion disposed above a horizontal channel in the sill extrusion and in pressure contact with the door frame in combination with other claimed limitations.

Per claim 41, prior art does not show an angular insert strip having a first flange releasably attached by a snap fit to exterior portions of the head and jamb extrusion, and the strip having a laterally inwardly projecting flange forming a channel with the head and jamb extrusions in combination with other claimed limitations.



***Response to Arguments***

Applicant's arguments with respect to claims 36-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different swinging door designs.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136, or 571-272-6864 only after April 07, 2005. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A

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2/3/05

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